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18 Attorneys for Plaintiff
19 PRESIDIO COMPONENTS, INC.

20 **UNITED STATES DISTRICT COURT**
21 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

22 PRESIDIO COMPONENTS, INC.)	Case No. 3:08-CV-00335-IEG-NLS
)	
23 Plaintiff,)	PLAINTIFF PRESIDIO
)	COMPONENTS, INC.'S
24 v.)	MOTION AND NOTICE OF
)	MOTION FOR SUPPLEMENTAL
25 AMERICAN TECHNICAL)	DAMAGES
26 CERAMICS CORP.,)	
)	
27 Defendant.)	Hearing Date: June 26, 2013
)	Hearing Time: 1:30 pm
)	Courtroom 4D
)	

28 PRESIDIO COMPONENTS, INC.'S NOTICE
OF ITS MOTION FOR SUPPLEMENTAL DAMAGES
Case No. 3:08-cv-00335 IEG NLS

PLEASE TAKE NOTICE that Plaintiff Presidio Components, Inc. (“Presidio”) hereby moves the Court for an Order awarding supplemental damages. Because Defendant American Technical Ceramics Corp. (“ATC”) continues to sell its infringing 545L capacitor, Presidio is entitled to compensation for those sales in an amount consistent with the damages awarded by the jury, in accordance with well-established Federal Circuit precedent. The Court should assess those supplemental damages through the date on which the Court enters a permanent injunction.¹ The law on this point is clear – supplemental damages are calculated consistent with the damages awarded in the jury verdict, *i.e.*, \$1.34 per infringing 545L capacitor. Further, according to the Federal Circuit, those supplemental damages are to be assessed for all sales until entry of an injunction.

This Motion is based on this Notice and Motion, Presidio’s Memorandum of Points and Authorities in support, and all exhibits thereto, which are being submitted simultaneously herewith.

Dated: May 13, 2013

Respectfully submitted,

WOOD, HERRON & EVANS L.L.P.

By: s/ Brett A. Schatz

Gregory F. Ahrens

Brett A. Schatz

Attorneys for Plaintiff

PRESIDIO COMPONENTS, INC.

¹ In view of the Federal Circuit’s recent finding that the Court erred in finding no irreparable injury and abused its discretion when it denied Presidio’s request for a permanent injunction, Presidio has simultaneously filed a Motion for Permanent Injunction.

PROOF OF SERVICE

1
2 **STATE OF OHIO**)
3 **COUNTY OF HAMILTON**) **ss.**

4 I am employed in the County of Hamilton, State of Ohio. I am over the age of 18 and not a
5 party to the within action. My business address is: 2700 Carew Tower, 441 Vine Street,
Cincinnati, Ohio 45202.

6 On May 13, 2013, I served **PLAINTIFF PRESIDIO COMPONENTS, INC.'S**
7 **MOTION AND NOTICE OF MOTION FOR SUPPLEMENTAL DAMAGES** on the
interested parties in this action by placing a true copy thereof enclosed in a sealed envelope at
Cincinnati, Ohio addressed as follows:

8 Benjamin L. Wagner
9 MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
10 3580 Carmel Mountain Road, Suite 300
San Diego, California 92130

Marvin S. Gittes
Timur E. Slonim
Peter F. Snell
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
666 Third Avenue
New York, NY 10017

11
12 Attorneys for Defendant AMERICAN TECHNICAL CERAMICS CORP.

13
14 ☒ **(BY MAIL AND EMAIL)** The envelope was mailed with postage thereon fully
15 prepaid. As follows: I am "readily familiar" with the firm's practice of collection and processing
16 correspondence for mailing. Under that practice it would be deposited with U.S. postal service on
that same day with postage thereon fully prepaid at Cincinnati, Ohio in the ordinary course of
17 business. I am aware that on motion of the party served, service is presumed invalid if postal
cancellation date or postage meter date is more than one day after date of deposit for mailing in
affidavit.

18 ☐ **(BY HAND DELIVERY)** I caused the attached document to be personally
19 delivered to the above named individual.

20 ☐ **(BY FACSIMILE)** I delivered such document by facsimile to the ABOVE
21 persons at the facsimile telephone numbers listed ABOVE as a courtesy.

22 ☐ **(FEDERAL)** I declare that I am employed in the office of a member of the bar of
this court at whose direction the service was made.

23 Executed on May 13, 2013 at Cincinnati, Ohio.

24
25 s/ Brett A. Schatz
26 Brett A. Schatz
27